

CRIMINAL DOCKET NO.: 5:96CR5-V

ORDER

¹ Most felony offenders within the BOP have the ability to earn up to 54 days per year of “good time” credit for satisfactory behavior. *See* 18 U.S.C. §3624(b) (provides for “Good Conduct Time”).

committed in prison. Indeed, BOP may sanction inmates in this manner. (*See* BOP Legal Resource Guide 2008 §IV, C, 5; BOP Program Statement 5270.07, Inmate Discipline and Special Housing Units.) Yet the sentencing judge has no role in determining BOP's disciplinary response to a given infraction and, in many cases, may not be aware of any internal action taken. Moreover, as a practical matter, criminal prosecution for prison conduct is unlikely. As noted in Ayala, “[i]nfractions in prison can be serious and may indicate that a defendant will disregard the rules and laws of the community.” Ayala, 540 F.Supp.2d at 680.

Defendant Ramsey has received seventeen (17) disciplinary actions during his period of incarceration – five (5) citations for possessing an unauthorized item; three (3) for fighting; three (3) for refusing to obey an order; two (2) for assault without serious injury; and one (1) each for disruptive conduct, refusing to work, using the phone or mail without authorization, and being insolent to a staff member. Combined, Defendant's citations tend to show that Defendant Ramsey may very well disregard the rules and the laws of the community upon discharge. For this reason, Defendant's motion to reconsider will be denied.

Signed: December 2, 2009

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is fluid and cursive, with the first name "Richard" and last name "Voorhees" clearly legible.

Richard L. Voorhees
United States District Judge

